

UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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IN RE: :  
: Daniel J. Lewis : Case No.: 20-10804-amc  
: Debtor : Chapter 13

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**MOTION TO DETERMINE VALUE**

1. Movant is the Debtor in the above-captioned case. And now, comes the movant, by and through their counsel, Brad J. Sadek, and moves as follows:

2. Respondent is CarMax Auto Finance dba CarMax Business Services, with an address where notices are to be sent at 225 Chastain Meadows Court, Suite 210, Kennesaw, GA 30144.

3. This is a motion to seek a determination of Respondent's secured claim for a (2012 Mercedes-Benz E550 VIN: WDDKJ7DB4CF150517) ("Vehicle"). The vehicle was purchased on March 8, 2017. The vehicle has approximately 55,000 miles and is in poor condition.

4. Creditor filed an Amended Proof of claim on March 10, 2020 alleging that the amount of the claim as of the date of filing was \$17,682.43. See Proof of Claim **Exhibit "A."**

5. However, Debtor contends that the value of the Vehicle is not more than \$11,585.00 not including any interest. The condition of the vehicle currently impacts this value as well. A copy of the Kelley Blue Book value is attached hereto as **Exhibit "B."**

6. Debtor further requests the interest rate be reduced to 4.25%.

7. Movant requests that the interest be modified to 4.25%. This interest rate is equal to the "prime plus rate" as required by *Till V. SCS Credit Corp.*, 124 S.C.T. 951 (2004).

**WHEREFORE**, movant moves that this Honorable Court enter an order disallowing the Proof of Claim as filed by Respondent, and enter and Order consistent with the Movant's proposed Order to protect movant's right to a fresh start.

Dated: November 2, 2020

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